

SCANNED

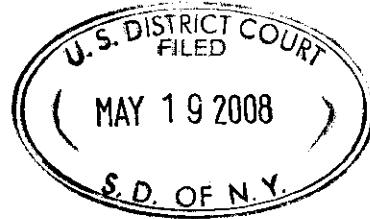
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
RAUL REYES,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.



By Order dated January 15, 2008, this Court notified petitioner, as directed by the Second Circuit in Adams v. United States, 155 F.3d 582 (2d Cir. 1998) (per curiam), that his motion would be construed as an application under 28 U.S.C. § 2255 to modify his sentence since he is seeking to have his sentence vacated, set aside or corrected. The Order directed that unless petitioner informed the Court in writing that he wished to withdraw the application within sixty (60) days of the date of that Order, that it would proceed as a motion under § 2255. The Order further directed petitioner to show cause by affirmation why the statute of limitations should not bar his motion under § 2255. The Order warned that if petitioner failed to comply with the Court's Order that the petition would be dismissed as time-barred. Since petitioner has failed to show cause by affirmation why the statute of limitations should not bar his motion under § 2255, as specified, it is,

ORDERED, ADJUDGED AND DECREED: That the petition be and it is hereby dismissed. I certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's Order would not be taken in good faith.

SO ORDERED:

A handwritten signature in black ink that reads "Kimba M. Wood".

KIMBA M. WOOD
Chief Judge

Dated: **MAY 19 2008**

New York, New York

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.